



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1995 SENATE BILL 87**

March 9, 1995 - Offered by COMMITTEE ON ENVIRONMENT AND ENERGY.

1 **AN ACT** *to renumber and amend* 168.11 (1) (b); and *to create* 78.77 (2m), 168.11
2 (1) (b) 1. and 168.11 (1) (b) 3. of the statutes; **relating to:** the labeling of certain
3 gasoline, manifests for certain gasoline and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 78.77 (2m) of the statutes is created to read:

5 78.77 (2m) The manifest under sub. (2) for gasoline that contains an oxygenate
6 other than ethanol and that contains at least 1% by volume of an oxygenate or
7 combination of oxygenates shall show the identity and the percentage by volume of
8 each oxygenate. The quantity and identity of oxygenates shall be determined without
9 regard to the content of any residual gasoline present in any facility or tank in which
10 the gasoline is stored or transported prior to delivery.

11 **SECTION 2.** 168.11 (1) (b) of the statutes is renumbered 168.11 (1) (b) 2. and
12 amended to read:

13 168.11 (1) (b) 2. A device that dispenses a gasoline-ethanol fuel blend for sale
14 at retail shall be marked or labeled with the percentage of ethanol, using one-half

1 inch high letters with a stroke of not less than one-eighth inch in width, at all times
2 when the product is offered for sale. The

3 4. A label under this paragraph shall be on the front or side of the upper half
4 of the dispensing device and shall be conspicuous and legible to a customer when
5 viewed from the driver's seat of a motor vehicle that is located within 6 feet of the
6 dispensing device. The device may also be marked or labeled with any product grade
7 specifications prescribed under s. 168.04.

8 **SECTION 3.** 168.11 (1) (b) 1. of the statutes is created to read:

9 168.11 (1) (b) 1. In this paragraph, "primary oxygenate" means the oxygenate
10 that is present in gasoline in the greatest volume.

11 **SECTION 4.** 168.11 (1) (b) 3. of the statutes is created to read:

12 168.11 (1) (b) 3. A device that dispenses, for sale at retail, gasoline that contains
13 an oxygenate other than ethanol and that contains at least 1% by volume of an
14 oxygenate or combination of oxygenates shall be marked or labeled with the identity
15 of the primary oxygenate at all times when the product is offered for sale. The
16 quantity and identity of oxygenates shall be determined using the information
17 provided under s. 78.77 (2m) and, if the storage tank that supplies the dispensing
18 device contains gasoline from deliveries with different quantities or identities of
19 oxygenates, estimates of the relative proportions of gasoline from those deliveries
20 that are contained in the storage tank. The label shall identify the primary
21 oxygenate as "MTBE", if the primary oxygenate is methyl tertiary butyl ether, or
22 "ETBE", if the primary oxygenate is ethyl tertiary butyl ether, or, if the gasoline
23 contains another primary oxygenate, the label shall identify the primary oxygenate
24 in the manner specified by the department by rule.

25 **SECTION 5. Initial applicability.**

